MULTIMEDIA UNIVERSITY

STUDENT IDENTIFICATION NO

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FINAL EXAMINATION

TRIMESTER 1, 2019/2020

BIR3084– INDUSTRIAL RELATIONS

(All sections / Groups)

18 OCTOBER 2019

3.00 p.m. -5.00 p.m.

(2 Hours)

INSTRUCTIONS TO STUDENT

1. This question paper consists of 3 pages with 2 sections.
2. Attempt **ALL** questions in Section A and in Section B. The distribution of the marks for each question is given.
3. Please write all your answers in the Answer Booklet provided.

SECTION A: CASE STUDY (40 marks)

Read the following case and answer **ALL** (3) case questions

QUESTION

Minister will no longer screen Industrial Court's cases

The power of the minister in terms of reference and screening before a case is brought to the Industrial Court will be cancelled, to enable the settlement of the case between the employer and the employee to be accelerated, says Human Resources Minister M. Kulasegaran.

He said so far, there were about 1,300 outstanding cases requiring referrals and ministerial decisions to be brought to the Industrial Court. "What makes it complicated, for example, a worker is dismissed and he refers this to the Industrial Relations Department where the employer will be called for a settlement.

"If there is no settlement, the case will be referred to the minister and the minister will decide whether it is to be brought to the Industrial Court or not. "I (the minister) become a filtering process. I do not think that's necessary. If anyone wants to refer to the Industrial Court, he must go straight (to court), not to the minister," he told Bernama in an interview here yesterday.

He said he would bring the proposal for the cancellation of the minister's power to a Cabinet meeting soon before tabling it in Parliament. Meanwhile, Kulasegaran said he had instructed the ministry's officers and staff to complete the 1,300 outstanding cases within 31 days from last Thursday.

Source : https://www.thestar.com.my/news/nation/2018/06/06/minister-will-no-longer-screen-industrial-courts-cases/

Case Questions

(a) Describe the types of cases which are referred to the industrial court by the Honourable Minister of Human Resources.

(15 marks)

Continued .....

(b) The main purpose of the Industrial Court is to provide a peaceful and unbiased means of settling disputes between employers and employees. Justify this statement by explaining the powers and jurisdiction of the Court according to the Industrial Relations Act 1967.

(10 marks)

(c) With the help of a flow chart explain how the hearing process of the cases are dealt by the industrial court.

(15 marks)

(Total 40 marks)

SECTION B: Structured Questions (60 Marks)

QUESTION 1

Trade Dispute is defined under the Industrial Relations Act 1967 as a dispute between the employer and his workmen on issues relating to employment, non-employment, terms of employment or conditions of work. Discuss in detail the measures to be taken to resolve a trade dispute. Please support your answer with the help of a flow chart.

(20 marks)

QUESTION 2

(a) The unions affiliated to National Construction Workers Unions have been invited to participate in collective bargaining. As a Senior Industrial Relations Consultant you are required to advise the scope of collective bargaining according to Section 13(3) of the Industrial Relations Act 1967.

(12 marks)

b) Discuss any **FOUR (4)** preconditions of for a successful collective bargaining.

(8 marks)

(Total 20 marks)

Continued .....

QUESTION 3

(a) Five Star Metals Sdn Bhd is in the process of drafting employee handbook for its Junior Executives, Supervisors and Heads of Department. The Director of Legal Administration of Five Star Metals Sdn Bhd wants to include a comprehensive note on discipline of employees at workplace. The Director is particularly keen on seeking your advice in taking action against errant employees who are accused of misconduct. Based on the scenario answer the following question:

Explain the steps to be followed by the employer prior to dismissal.

(14 marks)

(b) Explain how a strike can be illegal under Section 45 of the Industrial Relations Act 1967 and under what circumstances Section 44 of the Industrial Relations Act 1967 prohibits strike.

(6 marks)

(Total 20 marks)

End of Paper.